

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 1:15-cr-10018-JDB-11

BRIAN ROBERTSON,

Defendant.

ORDER CONSTRUING LETTER AS A § 2241 PETITION
AND
DIRECTING CLERK TO OPEN CASE AND FILE DOCUMENTS

The Defendant, Brian Robertson, has filed a letter, accompanied by two attachments, complaining that the Federal Bureau of Prisons (“BOP”) has failed to apply all “jail time” to his federal sentence. (Docket Entry (“D.E.”) 689 at PageID 3735, D.E. 689-1, D.E. 689-2.) The Court CONSTRUES the letter as a 28 U.S.C. § 2241 habeas corpus petition. *See McCoy v. Stephens*, No. 2:12-cv-02975-STA, 2014 WL 4809946, at *2 (W.D. Tenn. Sept. 26, 2014) (§ 2241 is proper vehicle for challenging BOP’s calculation of jail credits); *Pierce v. United States*, No. 3:12-0121, 2012 WL 1900921, at *2 n.2 (M.D. Tenn. May 24, 2012) (“[A] prisoner’s challenge to the execution of his sentence, including the determination of credit[s] . . . , must be filed under 28 U.S.C. § 2241.”) (citing *Sutton v. United States*, 172 F.3d 873 (6th Cir. 1998)).

The Clerk is therefore DIRECTED to open a new case in which the document at D.E. 689, together with the attachments at D.E. 689-1 and 689-2, is filed as a case-initiating § 2241 petition.

IT IS SO ORDERED this 16th day of September 2022.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE